United Nations A/HRC/38/NGO/123

General Assembly

Distr.: General
13 June 2018

English only

Human Rights Council
Thirty-eighth session
18 June-6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Le Pont, ABC Tamil Oli, Action of Human Movement (AHM), Alliance Creative Community Project, Association Bharathi Centre Culturel Franco-Tamoul, Association Burkinabé pour la Survie de l'Enfance, ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE, Association des étudiants tamouls de France, Association Mauritanienne pour la promotion du droit, Association pour les Victimes Du Monde, Association Solidarité Internationale pour l'Afrique (SIA), Association Thendral, Integrated Youth Empowerment - Common Initiative Group (I.Y.E. – C.I.G.), L'observatoire mauritanien des droits de l'homme et de la démocratie, Society for Development and Community Empowerment, Tamil Uzhagam, Tourner La Page, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-09681(E)
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The Struggle for Catalonia under Spain State brutalities*

This statement is in partnership with Human Rights activist from Catalonia.

We, citizens of Catalonia, are addressing this written statement to the United Nations Human Rights Council to raise awareness of the situation of repression present in Catalonia which has reached a critical point, and to request the Members of the Council, in their responsibility for the promotion and protection of all human rights around the globe, their assistance in finding a political solution to the conflict.

Last September 2017, the Spanish authorities, in reaction to the organization of a referendum on self-determination that, as a potential political solution, was endorsed by 80% of the Catalan population and eventually drew 2,286,217 voters to the polls, unleashed a series of police, legal and governmental actions resulting in serious violations of fundamental rights enshrined in the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union and even the Spanish Constitution of 1978.

There were attacks on freedom of the press, with media outlets having their premises searched and being subjected to intimidation; on the rights of assembly and demonstration, after restrictions were imposed on events organized by political associations; and on freedom of expression and opinion, with public officials being interrogated for their ideology. Moreover, hundreds of Web pages were shut down. The Catalan Parliament was dissolved, the Catalan Government dismissed and all of our institutions have been placed under direct rule by the Central Government. This has gravely affected our fundamental right of political participation, as well as the basic principles of democracy. These measures were approved by the Senate, Upper House of the Spanish Parliament, on agreement by three political parties -PP, Ciudadanos and PSOE- and under article 155 of the Spanish Constitution, in flagrant violation of the Constitution itself.

On 1 October, law-enforcement units, acting under the authority of the Spanish Government, used physical violence against peaceful citizens in 133 municipalities, in retaliation for their participation in a referendum. As a result, 1066 people were reported injured, of whom at least 400 filed a criminal complaint. To date, the Spanish Prosecutor's Office, following instructions by the Central Government, has opposed an official inquiry on these events.

In the area of criminal justice, offenses of the past have been recently reinstated. This has led to the opening of numerous criminal proceedings: more than 150 individuals are currently under investigation, in addition to 712 mayors, most of them elected officials, who were summoned to appear in court in the run-up to the referendum of 1 October for their outspoken defence of the right to self-determination. Today, judicial independence and impartiality are seriously compromised in Spain, in the face of a clear absence of separation of powers.

By bringing an intrinsically constitutional conflict to the terrain of criminal justice, the authorities have placed the effective implementation of the rule of law under threat. The highest-ranking public officials in Catalonia have been indicted on charges of rebellion and sedition, crimes that require, respectively, violence and tumultuous action. Every person involved in the events in question is fully aware that acts of such nature never took place.

The pre-trial detention of six Catalan Cabinet Ministers, of the former President of the Catalan Parliament and of two civil society leaders has also been repeatedly denounced as a disproportionate measure by legal experts, politicians and non-governmental organizations such as Amnesty International. In a recent manifesto, more than 130 Spanish criminal law experts strongly condemned the indictments on charges of rebellion and sedition, which can only be advocated by seriously undermining the principle of legality in criminal procedures.

Similarly, the European arrest warrants issued against President Puigdemont, the Catalan Ministers in exiled and Ms. Marta Rovira, the Secretary-General of Esquerra Republicana de Catalunya, are based on false and arbitrary charges. Proof of that is that on the 16th of May 2018, the Belgian Justice rejected the extradition of the Catalan Ministers exiled in Belgium. In the hearing, the prosecutor and the defence agreed that the extradition request had "procedural defects" and "irregularities". The Spanish Supreme Court was warned of these defects but the Spanish judge, Pablo Llarena, refused to correct them. That is why both parties agreed the case cannot go forward and should be dismissed.

This decision clearly shows that Spain is abusing the criminal code to persecute democratically elected politicians. However, while different European judicial systems are unmasking what Spanish judiciary system is holding, several members of the legitimate Government of Catalonia and from civil society remain in jail. This inconsistency between justices also confirms that they are clearly political prisoners. Furthermore, the is also a clear regression of the freedom of expression. A key example is the case of the 24-year-old rapper who has been sentenced to three and a half years in prison due to the lyrics of his songs. Unfortunately, this is not the only case or an isolated one. Teachers, individual activists and even Catalan media are also under threat.

For all of the above, we believe that the rights and freedoms enshrined by the international and European human rights treaties, and incorporated in the 1978 Spanish Constitution, have been manifestly put at stake by the actions of Spanish authorities, not least because the safeguards on the rights and freedoms of the persons involved have proved insufficient in the face of an overwhelming positioning by the Spanish judicial authority. Thus, once again, we claim the immediate release of the Catalan political prisoners as well as to finish with this blatant injustice that is infringing freedom of expression and spreading fear speech. The rule of law in Spain is under threat.

The European Community was created with the noble objective of eradicating, once and for all, the poison of authoritarianism and fascism from the heart of Europe. Today, the fundamental mission and soul of the EU are at risk as the Union is allowing one of its Member States to drift into authoritarianism without taking any steps to prevent it.

This written statement is also a plea for help. Those who are committed to the defense of democratic values and human rights can no longer ignore the events taking place in Catalonia, nor can they look the other way. The events in Catalonia are no more an internal affair; they have acquired a European dimension and even an international one.

We ask to the following special procedure mandates holders to visit Catalonia,

- Mr Michel Forst, Special Rapporteur on the situation of human rights defenders
- Mr Idriss Jazairy, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
- Mr David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- Mr Nyaletsossi Clément VOULE, Special Rapporteur on the rights to freedom of peaceful assembly and of association
- Mr Diego García-Sayán, Special Rapporteur on the independence of judges and lawyers
- Mr Ben Emmerson, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
- Mr Livingstone SEWANYANA, Independent Expert on the promotion of a democratic and equitable international order
- We also invite the Working Group on arbitrary detention members: Mme Leigh Toomey, Mr Sètondji Roland Jean-Baptiste Adjovi, Mr José Guevara, Mr Seong-Phil Hong, and Mme Elina Steinerte

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*Associació Catalana pels Drets Civils, (Catalonia), NOVACT – International Institute for Nonviolent Action (Catlonia), Human Right CAT (Catalonia), Association Le Collectif La Paix au Sri Lanka (France) , Association pour le Droit de l'Homme et le Développement Durable. (France), Association internationale des Droits de l'Homme de Bourgogne. (AIDHB) (France), Association Jeunesse Etudiante Tamoule (J.E.T.) (France), L'Association Mondiale des Droits de l'Homme (A.M.D.H) (Suisse), Association international des Droits de l'Homme (France), Tamil Movement (Suisse), Collectif des Droits Humains (France), May 17 Movement (Tamil Nadu), Marumalarchi Dravida Munnetra Kazhagam-MDMK (India), Naam Tamilar (India), Thamizhaga Ilaignar Munnani (India), Thamizhga Uzhavar Munnani (India), Thamizh Thesiya Periyakkam (India), People's Union for Civil Liberties (India), Thamizh Thesiya Periyakkam (India), Federation of Students – Youths for Tamil Rights (India), Association des Jeunes Musulman contre le Genocide (India), Tamil Kalaikoodam LTD (India), Green Tamilnadu Party (India), Tamil Nadu Vanigar Sangankalin Peravai (India), Cauvery Protection Movement (India), NGOs without consultative status, also share the views expressed in this statement.